

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2014 OCT -7 P 2:56

Jeremy L. Baum,

Plaintiff,

v.

JPMorgan Chase & Co.,

Defendant.

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Case Number: 1:14cv1324

JCC/IDP

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that for the reasons set forth below, Defendant Chase Bank USA, N.A. ("Chase" or "Defendant"), erroneously sued herein as JPMorgan Chase & Co., by and through its attorneys, hereby removes, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, the state court action described below. In support of this removal, Chase states as follows:

**JURISDICTION**

1. Removal of the state court action described below is proper under 28 U.S.C. § 1441(a) because the district courts of the United States have original jurisdiction over the action. As set forth below, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the form complaint, styled as a Warrant in Debt, alleges a violation of 15 U.S.C. § 1681, the Fair Credit Reporting Act ("FCRA"). Accordingly, Chase hereby removes this action pursuant to 28 U.S.C. § 1441(a).

### **THE STATE COURT ACTION**

2. On or about September 5, 2014, Jeremy L. Baum (“Plaintiff”) commenced this action against Chase by filing a form complaint, styled as a Warrant in Debt, and accompanying affidavits in the General District Court of Fairfax County, in the Commonwealth of Virginia (the “Complaint”). The Fairfax County General District Court assigned Case Number GV14019026-00 to that action. Chase was served with process on September 15, 2014 and again on September 29, 2014. A true and correct copy of the Complaint is attached hereto as part of Exhibit A, which includes copies of all process, pleadings and orders served on Chase to date.

3. In the Complaint, Plaintiff alleges that Chase has reported and continues to report allegedly incorrect information about Plaintiff’s Chase credit card account to Equifax, a credit reporting bureau. (Ex. A, Affidavit of Plaintiff ¶¶ 5, 10.) In particular, Plaintiff alleges that if “Chase [had] conducted a reasonable investigation, Chase would have discovered there was a bankruptcy and updated [Plaintiff’s] Chase account to reflect the bankruptcy.” (*Id.* ¶ 10.) According to Plaintiff, Chase’s “fail[ure] to conduct a reasonable investigation despite repeated requests and submissions of the [bankruptcy] discharge order” is a violation of the FCRA. (*Id.* ¶ 11.)

### **FEDERAL QUESTION**

4. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one that may be removed to this Court pursuant to 28 U.S.C. § 1441(a). As indicated above, Plaintiff’s Complaint alleges a violation of the FCRA, 15 U.S.C. § 1681. Consequently, the claim arises under federal law, and this action is subject to removal. *See* 28 U.S.C. §§ 1331, 1441(a).

### **PROCEDURAL STATEMENT**

5. **Removal is Timely:** The Complaint was first served upon Chase on September 15, 2014. Accordingly, this Notice of Removal is timely, having been filed within thirty days after that date. 28 U.S.C. § 1446(b).

6. **Removal to Proper Court:** This Court is part of the “district and division within which” the State Court Action was filed – Fairfax County, Virginia. 28 U.S.C. § 1446(a).

7. **Consent to Removal is Not Required:** Chase is the only defendant named in the Complaint. (*See* Ex. A, Warrant in Debt). As a result, consent to removal by another defendant is not required.

8. **Pleadings and Process:** In compliance with 28 U.S.C. § 1446(a), a “copy of all process, pleadings, and orders served upon” Chase prior to the filing of this Notice of Removal are attached collectively hereto as Exhibit A.

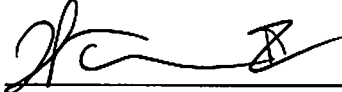
9. **Notice to Plaintiff and State Court:** Pursuant to 28 U.S.C. § 1446(d), Chase will promptly serve upon Plaintiff’s counsel of record and file with the Fairfax County General District Court a true and correct copy of this Notice.

By removing this action to this Court, Chase does not waive but instead expressly preserves any and all arguments and defenses available to it.

WHEREFORE, Chase respectfully removes this action from the General District Court of Fairfax County, in the Commonwealth of Virginia, to this Court pursuant to 28 U.S.C. § 1441(a).

DATED: October 7, 2014

Respectfully submitted,



---

Warren T. Allen II (Va. Bar No. 72691)  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
Telephone: (202) 371-7000  
Facsimile: (202) 393-5760  
Warren.Allen@skadden.com

- and -

Albert L. Hogan III (*pro hac vice* forthcoming)  
Jason T. Manning (*pro hac vice* forthcoming)  
Skadden, Arps, Slate, Meagher & Flom LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 407-0700  
Facsimile: (312) 407-0411  
Al.Hogan@skadden.com  
Jason.Manning@skadden.com

*Attorneys for Chase Bank USA, N.A.*